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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/925,519	08/10/2001	Luca Chiarabini	60004035-3	4981

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[REDACTED] EXAMINER

ZURITA, JAMES H

[REDACTED] ART UNIT

[REDACTED] PAPER NUMBER

3625

DATE MAILED: 03/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/925,519	CHIARABINI ET AL.
	Examiner	Art Unit
	James H Zurita	3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 10 August 2001.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) _____ is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) 1-26 are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date. _____
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ 5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-8, drawn to an on-line print network comprising a plurality of computer entities connected by a communications network, for providing on-line print services, classified in class 705, subclass 26.
- II. Claim 9, drawn to a print service provider operation, classified in class 705, subclass 26.
- III. Claim 10-13, drawn to a method of providing on-line print services, classified in class 709, subclass 220.
- IV. Claim 14-20, drawn to a method of allocating a plurality of print items amongst a plurality of printer devices, classified in class 358, subclass 1.15.
- V. Claim 21, drawn to an on-line print network comprising a plurality of computer entities connected by a communications network, for providing on-line print services, classified in class 709, subclass 220.
- VI. Claim 22, drawn to an on-line print network comprising a plurality of computer entities connected by a communications network, for providing on-line print services, classified in class 705, subclass 26.
- VII. Claim 23, drawn to a method of providing on-line print services, classified in class 705, subclass 26.
- VIII. Claim 24, drawn to a method of providing on-line print services, classified in class 705, subclass 34.

- IX. Claim 25, drawn to a method of allocating a plurality of print items amongst a plurality of printer devices, classified in class 358, subclass 1.15.
- X. Claim 26, drawn to a print service provider operation, classified in class 705, subclass 26.

Group A (including inventions I, V, VI), pertaining to a network.

Group B (including inventions II, X), pertaining to an operation.

Group C (including inventions III, IV, VII, VIII, IX), pertaining to methods.

Group A and **Group B** related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the Instant case, the combination as claimed does not require the particulars of the subcombination as claimed because **Group A** requires a print merchant computer entity. Because these inventions are distinct for these reasons and the search required for **Group A** is not required for **Group B**, restriction for examination purposes as indicated is proper. MPEP § 806.05(d).

Group A and **Group C** related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the Instant case, the combination as claimed does not require the particulars of the subcombination as claimed because **Group A** requires a print merchant computer entity. Because these inventions are distinct for these reasons and the search required for **Group A** is not required for **Group C**, restriction for examination purposes as indicated is proper. MPEP § 806.05(d).

Group B and **Group C** related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the Instant case, the combination as claimed does not require the particulars of the subcombination as claimed because **Group B** requires a print manager computer entity. Because these inventions are distinct for these reasons and the search required for **Group B** is not required for **Group C**, restriction for examination purposes as indicated is proper. MPEP § 806.05(d).

Within **Group A** (including inventions I, V, VI), pertaining to a network.

Inventions I and V are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable.

In the Instant case, Invention V requires that on receiving an order for print items, a print manager computer entity splits the order into a plurality of print jobs, each comprising a plurality of individual print items, and allocates a plurality of print jobs to at least one printer device of a plurality of printer devices, in a manner which balances distribution of the print jobs amongst the plurality of printer devices.

Because these inventions are distinct for these reasons and the search required for Invention V is not required for Invention I, restriction for examination purposes as indicated is proper. MPEP § 806.05(d).

Inventions I and VI are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable.

In the Instant case, Invention VI requires that a print manager computer entity, on receiving the order for print items, splits the order into a plurality of print items, and distributes the plurality of print items amongst a plurality of printer devices in a manner which minimises changes of print media on the plurality of printer devices, and which minimises changes of ink sets on the plurality of printer devices.

Because these inventions are distinct for these reasons and the search required for Invention V is not required for Invention I, restriction for examination purposes as indicated is proper. MPEP § 806.05(d).

Inventions V and VI are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations. MPEP § 806.05(c).

In the Instant case, Invention V requires that, on (a) receiving an order for print items, the print manager computer entity (b) splits the order into a plurality of print jobs, each comprising a plurality of individual print items, and (c) allocates the plurality of print jobs to at least one printer device of the plurality of printer devices, in a manner which balances distribution of the print jobs amongst the plurality of printer devices, while Invention VI requires that the print manager computer entity on (a) receiving the order

for print items, (b) splits the order into a plurality of print items, and (c) distributes the plurality of print items amongst a plurality of the printer devices in a manner which minimises changes of print media on the plurality of printer devices, and which minimises changes of ink sets on the plurality of printer devices.

Because these inventions are distinct for these reasons and the search required for Invention V is not required for Invention VI, restriction for examination purposes as indicated is proper.

Within **Group B** (including inventions II, X), pertaining to an operation.

Inventions II and X are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations. MPEP § 806.05(c).

In the Instant case, Invention II requires a print manager computer entity operating to (a) receive an electronic order for print items, the order comprising one or a plurality of print jobs each representing at least one print item to be printed, the print manager computer entity operating to (b) distribute a plurality of print images on at least one two dimensional print media, in a manner which optimizes usage of an area of the print media, while Invention X requires a plurality of printer devices capable of receiving instructions from the print manager computer entity for printing a plurality of print products, wherein the print manager computer entity operates to (b) distribute a plurality

of print images to be printed on at least one two dimensional media, in a manner which optimises usage of an area of the at least one two dimensional media, the distribution of the plurality of print images being allocated taking into account, for each printer device, parameters selected from the set:

a sheet material type loaded onto the printer device;

a number of cuts applied to *a the* at least one sheet material, loaded onto the printer device.

Because these inventions are distinct for these reasons and the search required for Invention II is not required for Invention X, restriction for examination purposes as indicated is proper.

Within **Group C** (including inventions III, IV, VII, VIII, IX), drawn to methods.

Inventions III and IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. MPEP § 806.05(d).

In the Instant case, Invention IV requires distributing the plurality of print items amongst the plurality of printer devices in a manner which optimizes usage of the plurality of printer devices.

Because these inventions are distinct for these reasons and the search required for Invention III is not required for Invention IV, restriction for examination purposes as indicated is proper.

Inventions III and VII are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. MPEP § 806.05(d).

In the Instant case, Invention VII requires within a print service provider facility, electronically allocating an order to at least one printer device of a plurality of printer devices, in a manner which minimises changes of print media on the plurality of printer devices, and minimises changes of ink sets on the plurality of printer devices; and

Because these inventions are distinct for these reasons and the search required for Invention III is not required for Invention VII, restriction for examination purposes as indicated is proper.

Inventions III and VIII are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. MPEP § 806.05(d).

In the Instant case, Invention VIII requires within a print service provider facility, electronically allocating an order to at least one printer device of a plurality of printer devices, in a manner which balances a printing workload amongst the plurality of printer devices; and

Because these inventions are distinct for these reasons and the search required for Invention III is not required for Invention VII, restriction for examination purposes as indicated is proper.

Inventions III and IX are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. MPEP § 806.05(d).

In the Instant case, Invention IX requires distributing the plurality of print items amongst the plurality of printer devices in a manner which optimizes a combination of: reducing media wastage; and reducing a time to print the plurality of print items.

Because these inventions are distinct for these reasons and the search required for Invention III is not required for Invention IX, restriction for examination purposes as indicated is proper.

Inventions IV and VII are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations. MPEP § 806.05(c).

In the Instant case, Invention VII requires within a print service provider facility, electronically allocating an order to at least one printer device of a plurality of printer devices, in a manner which minimises changes of print media on the plurality of printer devices, and minimises changes of ink sets on the plurality of printer devices, while Invention IV requires distributing the plurality of print items amongst the plurality of printer devices in a manner which optimizes usage of the plurality of printer devices.

Because these inventions are distinct for these reasons and the search required for Invention III is not required for Invention VIII, restriction for examination purposes as indicated is proper.

Inventions IV and VIII are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations. MPEP § 806.05(c).

In the Instant case, Invention VIII requires within a print service provider facility, electronically allocating an order to at least one printer device of a plurality of printer devices, in a manner which balances a printing workload amongst the plurality of printer devices, while Invention IV requires distributing the plurality of print items amongst the plurality of printer devices in a manner which optimizes usage of the plurality of printer devices.

Because these inventions are distinct for these reasons and the search required for Invention IV is not required for Invention VIII, restriction for examination purposes as indicated is proper.

Inventions IV and IX are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations. MPEP § 806.05(c).

In the Instant case, Invention IX requires distributing the plurality of print items amongst the plurality of printer devices in a manner which optimizes a combination of: reducing media wastage; and reducing a time to print the plurality of print items, while Invention IV requires distributing the plurality of print items amongst the plurality of printer devices in a manner which optimizes usage of the plurality of printer devices.

Because these inventions are distinct for these reasons and the search required for Invention IV is not required for Invention IX, restriction for examination purposes as indicated is proper.

Inventions VII and VIII are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations. MPEP § 806.05(c).

In the Instant case, Invention VII requires within a print service provider facility, electronically allocating an order to at least one printer device of a plurality of printer devices, in a manner which minimises changes of the print media on the plurality of printer devices, and minimises changes of ink sets on the plurality of printer devices, while Invention VIII requires within a print service provider facility, electronically allocating an order to at least one printer device of a plurality of printer devices, in a manner which balances a printing workload amongst the plurality of printer devices.

Because these inventions are distinct for these reasons and the search required for Invention VII is not required for Invention VIII, restriction for examination purposes as indicated is proper.

Inventions VII and IX are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations. MPEP § 806.05(c).

In the Instant case, Invention VII requires within a print service provider facility, electronically allocating an order to at least one printer device of a plurality of printer devices, in a manner which minimises changes of the print media on the plurality of printer devices, and minimises changes of ink sets on the plurality of printer devices, while Invention IX requires distributing the plurality of print items amongst the plurality of printer devices in a manner which optimizes a combination of: reducing media wastage; and reducing a time to print the plurality of print items.

Because these inventions are distinct for these reasons and the search required for Invention VII is not required for Invention IX, restriction for examination purposes as indicated is proper.

Inventions VIII and IX are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other

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combinations. MPEP § 806.05(c).

In the Instant case, Invention VIII requires within a print service provider facility, electronically allocating an order to at least one printer device of a plurality of printer devices, in a manner which minimises changes of the print media on the plurality of printer devices, and minimises changes of ink sets on the plurality of printer devices, while Invention IX requires distributing the plurality of print items amongst the plurality of printer devices in a manner which optimizes a combination of: reducing media wastage; and reducing a time to print the plurality of print items.

Because these inventions are distinct for these reasons and the search required for Invention III is not required for Invention VII, restriction for examination purposes as indicated is proper.

If applicant chooses *Invention I* the applicant must select one of the following species:

I.a	1, 2	I.e	1, 6
I.b	1, 3	I.f	1, 7
I.c	1, 4	I.g	1, 8
I.d	1, 5		

If applicant chooses *Invention III* the applicant must select one of the following species:

III.a 10, 11 III.b 10, 12 III.c 10, 13

If applicant chooses *Invention IV* the applicant must select one of the following species:

IV.a 14, 16
IV.b 14, 17
IV.b 14, 18

IV.b 14, 19
IV.b 14, 20

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

A reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James H Zurita whose telephone number is 703-605-4966. The examiner can normally be reached on 8a-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703-308-1344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James Zurita
Patent Examiner
Art Unit 3625
18 February 2005


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